XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक Cr.M.P. 420/07 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

[Single Bench; Hon'ble Mr. Justice Dhirendra Mishra]

APPLICANT — Karman Das, S/o Sewak Das Mahant, Aged about 42 years, R/o Laxmipur, Raigarh, Tehsil & Dist. Raigarh (C.G.)

Vs

NON-APPLICANT — Smt. Baharteen Bai, W/o Karman Das, aged about 38 years, R/o Village- Kutela, Tehsil-Sarangarh, Distt. Raigarh (C.G.)

17.10.2007

Mr. V.K. Pandey, Adv. for the applicant.

Heard on admission.

By this petition under Section 482 of the Cr.P.C. the applicant has impugned the order dated 16.8.2007 passed in Criminal Revision No.80/07 whereby the Additional Sessions Judge, Sarangarh, Distt. Raigarh has rejected the revision preferred by the applicant herein and confirmed the order of Judicial Magistrate 1st Class dated 31.1.2007 passed in Misc. Criminal Case No.45/05 awarding maintenance @ Rs.1,500/- to the non-applicant herein under Section 125 of the Cr.P.C.

Learned counsel for the applicant submits that both the courts below have ignored the fact that the non-applicant is residing separately for the last 10-15 years without any just and proper cause and filed the application for maintenance after inordinate delay, which is indicative of the fact that she is able to maintain herself. He further submits that the applicant is working as Peon in the Municipal Corporation, Raigarh and receiving Rs.3,000/- as salary,

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therefore, the order of maintenance of Rs.1,500/- to the non-applicant is too excessive and the same may be reduced.

After going through the impugned orders passed by both the courts below, it is observed that both the courts below have recorded concurrent finding of fact that the applicant has contracted second marriage with a lady named Uma Bai, he has not made any provision for maintenance of his wife, he is working as Peon in the Municipal Corporation, Raigarh for the last 20 years and drawing salary of Rs.3,500/- p.m. at present and with these findings the order of maintenance of Rs.1,500/- has been passed.

In view of the above, there is no illegality or infirmity in the impugned order warranting interference in exercise of Section 482 of the Cr.P.C. and the petition is liable to be dismissed and it is, accordingly, dismissed at the admission stage itself.

Sd/-
DHIRENDRA MISHRA
Judge

[पीछे देखिये